

House Bill 522

By: Representatives Maddox of the 127th, Abrams of the 84th, Day of the 163rd, Byrd of the 20th, Lindsey of the 54th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, so as change certain provisions relating to the investigation of an applicant's good moral character when applying for appointment or certification as a peace officer; to provide immunities relating thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, is amended by revising Code Section 35-8-8, relating to the requirements for appointment or certification of persons as peace officers and pre-employment attendance at a basic training course, as follows:

"35-8-8.

(a) Any person employed or certified as a peace officer shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States;

(3) Have a high school diploma or its recognized equivalent;

(4) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in the federal or state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for the purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered;

(5) Be fingerprinted for the purpose of conducting a fingerprint based search at the Georgia Bureau of Investigation and the Federal Bureau of Investigation to determine the existence of any criminal record;

(6) Possess good moral character as determined by investigation under procedure established by the council;

(7) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his or her ~~exercising~~ exercise of the powers or duties of a peace officer; and

(8) Successfully complete a job related academy entrance examination provided for and administered by the council in conformity with state and federal law. Such examination shall be administered prior to entrance to the basic course provided for in Code Sections 35-8-9 and 35-8-11. The council may change or modify such examination and shall establish the criteria for determining satisfactory performance on such examination. Peace officers who do not perform satisfactorily on the examination shall be ineligible to retake such examination for a period of six months after an unsuccessful attempt. The provisions of this paragraph establish only the minimum requirements of academy entrance examinations for peace officer candidates in this state; each law enforcement unit is encouraged to provide such additional requirements and any preemployment examination as it deems necessary and appropriate.

(b) Any person authorized to attend the basic training course prior to employment as a peace officer shall meet the requirements of this Code section.

(c) Where an investigation into an applicant, candidate, or peace officer's good moral character, as required in subsection (a) of this Code section, includes consideration of such person's prior employment history, an employer shall disclose employment related information to an investigating law enforcement agency upon receiving a written request from such agency. Disclosure shall only be required under this subsection if the law enforcement agency's request is accompanied by a signed, notarized statement from the applicant, candidate, or peace officer releasing and holding harmless such employer from any and all liability for disclosing information to the law enforcement agency. For the purposes of this subsection, the term 'employment related information' means written or unwritten information relating to job applications, evaluations of performance, evaluations of risks and reliability, attendance records, disciplinary actions, and eligibility for rehire or other information related to the applicant, candidate, or peace officer's employment. No employer shall be subject to any civil liability for any cause of action by virtue of disclosing information to a law enforcement agency pursuant to this subsection. An employer may charge a reasonable fee to cover actual costs incurred in copying and furnishing documents to a requesting law enforcement agency, provided such amount shall not exceed \$25.00 or \$0.25 per page, whichever is greater. Employment related information disclosed to a law enforcement agency may be disclosed further by such

62 agency to a subsequent law enforcement agency requesting the information for purposes
63 of an official investigation under this Code section."

64 **SECTION 2.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law
66 without such approval.

67 **SECTION 3.**

68 All laws and parts of laws in conflict with this Act are repealed.